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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1222/LA4/76. *Dated, Trivandrum, 6th February 1976.*

The Kerala Motor Vehicles Taxation Bill, 1976 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

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33/ 25/MC.

Fourth Kerala Legislative Assembly
Bill No. 240

THE KERALA MOTOR VEHICLES TAXATION BILL, 1976

A

BILL

to consolidate and amend the laws relating to the levy of tax on motor vehicles and on passengers and goods carried by such vehicles in the State of Kerala.

Preamble.—Whereas it is expedient to consolidate and amend the laws relating to the levy of tax on motor vehicles and on passengers and goods carried by such vehicles in the State of Kerala;

Be it enacted in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Motor Vehicles Taxation Act, 1976.

(2) It extends to the whole of the State of Kerala.

(3) It shall be deemed to have come into force on the 1st day of October, 1975.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "fleet owner" means a person, an institution or the Government, who or which is the registered owner of more than one hundred and fifty transport vehicles used or kept for use in the State;

(b) "laden weight", in respect of any motor vehicle, means the registered laden weight recorded in the certificate of registration and. in cases where the vehicle is not registered or the laden

weight is not recorded in the certificate of registration, the laden weight determined by the registering authority in such manner as it may deem fit;

(c) "local authority" includes a cantonment authority within the meaning of the Cantonments Act, 1924 (Central Act 2 of 1924);

(d) "prescribed" means prescribed by rules made under this Act;

(e) "registered owner" means the person in whose name a motor vehicle is registered or deemed to be registered under the Motor Vehicles Act, 1939 (Central Act 4 of 1939);

(f) "Regional Transport Officer" means any officer appointed by the Government to perform the functions of a Regional Transport Officer under this Act;

(g) "State" means the State of Kerala;

(h) "tax" means the tax leviable under this Act;

(i) "Taxation Officer" means the Regional Transport Officer or such other officer as may be appointed by the Government to exercise the powers and perform the functions of a Taxation Officer under this Act;

(j) "tax licence" means a licence issued under sub-section (3) of section 4 and includes a duplicate tax licence issued in place of the original licence;

(k) "Transport Commissioner" means the officer appointed by the Government to perform the functions of the Transport Commissioner under this Act;

(l) "Year" means the financial year: and "quarter" means the first, second, third or fourth three months of an year;

(m) words and expressions used but not defined in this Act shall have the meanings respectively assigned to them in the Motor Vehicles Act, 1939 (Central Act 4 of 1939) or the rules made thereunder.

3. *Levy of tax.*—(1) Subject to the other provisions of this Act, on and from the date of commencement of this Act; a tax shall be levied on every motor vehicle used or kept for use in the State; at the rate specified for such vehicle in the Schedule:

Provided that no such tax shall be levied on a motor vehicle kept by a dealer in, or a manufacturer of, such vehicle, for the purpose of trade and used under the authorisation of a trade certificate granted by the registering authority.

(2) The Government may, from time to time, by notification in the Gazette, increase the rate of tax specified in the Schedule:

Provided that such increase shall not in the aggregate exceed fifty per cent of such rate.

(3) The registered owner of, or any person having possession or control of, a motor vehicle shall, for the purposes of this Act, be deemed to use or keep such vehicle for use in the State, except during any period for which no tax is payable on such motor vehicle under sub-section (1) of section 5.

(4) Notwithstanding anything contained in sub-section (1), the Government may, from time to time, by notification in the Gazette, direct that a temporary licence for a period not exceeding seven days or thirty days at a time may be issued in respect of any class of motor vehicles specified in the Schedule on payment of the tax specified in sub-section (5) and subject to such conditions as may be specified in such notification.

(5) The tax payable for a temporary licence in respect of a motor vehicle shall be—

(a) where the temporary licence is for a period not exceeding seven days, at the rate of one-tenth of the quarterly tax on that motor vehicle; and

(b) where the temporary licence is for a period exceeding seven days but not exceeding thirty days, at the rate of one-third of the quarterly tax on that motor vehicle.

(6) In the case of motor vehicles in respect of which any reciprocal arrangement relating to taxation has been entered into between the Government of Kerala and any other State Government, the levy of tax shall, notwithstanding anything contained in this Act, be in accordance with the terms and conditions of such reciprocal arrangement:

Provided that the terms and conditions of every such reciprocal arrangement shall be published in the Gazette and a copy thereof shall be placed before the Legislative Assembly of the State.

4. *Payment of tax and issue of licence.*—(1) The tax levied under sub-section (1) of section 3 shall be paid in advance within such period and in such manner as may be prescribed, by the registered owner or person having possession or control of the motor vehicle, for a quarter or year, at his choice, upon a quarterly or annual licence to be taken out by him:

Provided that, in the case of a fleet owner, the Government may direct that the tax shall be paid in monthly instalments before such date, in such manner and subject to such conditions, as may be specified in the direction.

Explanation.—The tax for an annual licence shall not exceed four times the tax for a quarterly licence.

(2) In the case of an annual licence, such rebate in respect of the tax, as may be prescribed, shall be granted.

(3) When any person pays the amount of tax in respect of a motor vehicle used or kept for use in the State or obtains an endorsement in the certificate of registration of the vehicle by the Regional Transport Officer concerned that no tax is payable in respect of such vehicle, the Taxation Officer shall—

(a) grant to such person a licence in the prescribed form; and

(b) record that the tax has been paid for the specified period, or that no tax is payable in respect of that vehicle, as the case may be, in the certificate of registration or, in the case of a vehicle not registered under the Motor Vehicles Act, 1939 (Central Act 4 of 1939), in a certificate in such form as may be prescribed:

Provided that no licence shall be granted in respect of a motor vehicle which is exempt from payment of tax under sub-section (1) of section 5.

(4) No motor vehicle liable to tax under section 3 shall be kept for use in the State, unless the registered owner or the person having possession or control of such vehicle has obtained a tax licence under sub-section (3) in respect of that vehicle.

(5) No motor vehicle liable to tax under section 3 shall be used in the State unless a valid tax licence obtained under sub-section (3) is displayed on the vehicle in the prescribed manner.

(6) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any period on account of any taxable motor vehicle, the tax due in respect of which for the same period has already been paid by some other person.

5. *Exemption from tax.*—(1) In the case of a motor vehicle which is not intended to be used or kept for use during the first month or the first and second months of a quarter, or the whole of a quarter or year, as the case may be, the registered owner or the person having possession or control of such vehicle shall give previous intimation in writing to the Regional Transport Officer

from whom the endorsement for tax has been obtained, that such vehicle would not be used for such period and thereupon, the registered owner or such other person shall not be deemed to have used or kept for use the vehicle for such period and no tax shall be payable in respect of such vehicle for such period.

(2). Nothing in sub-section (1) shall exempt a person from liability to pay tax in respect of a motor vehicle, if, on verification, it is found that the motor vehicle has been used during such period or any portion thereof.

(3) Notwithstanding anything contained in sub-section (1), in an appeal under section 23 or a revision under section 24, the burden of proving that a motor vehicle has not been used during any period shall be on the registered owner or the person having possession or control of the motor vehicle, as the case may be.

6. *Refund of tax.*—Where the tax for any motor vehicle has been paid for any quarter or year and the vehicle has not been used or kept for use during the whole of that quarter or year or a continuous part thereof, not being less than one month, a refund of the tax at such rates as may, from time to time, be notified by the Government, shall be payable subject to such conditions as may be specified in such notification.

7. *Payment of additional tax.*—When any motor vehicle in respect of which tax has been paid is altered, used or proposed to be used, in such a manner as to cause the vehicle to become a vehicle in respect of which a higher rate of tax is payable, the registered owner or the person having possession or control of such vehicle shall pay an additional tax of a sum equal to the difference between the tax already paid and the tax which is payable in respect of such vehicle for the period for which the higher rate of tax is payable in consequence of its being so altered or used or proposed to be used, and the licensing officer shall not grant a fresh tax licence in respect of such vehicle so altered or used or proposed to be used until such amount of tax has been paid.

8. *Production of certificate of insurance.*—Every registered owner or person having possession or control of a motor vehicle shall, at the time of making payment of the tax, produce before the Taxation Officer a certificate of insurance in respect of the vehicle, which is valid at the time of making such payment, complying with the requirements of Chapter VIII of the Motor Vehicles Act, 1939 (Central Act 4 of 1939).

9. *Liability to payment of tax by persons succeeding to the ownership, possession or control of motor vehicles.*—(1) If the tax leviable in respect of any motor vehicle remains unpaid by any person liable for the payment thereof and such person before payment of the tax has transferred the ownership of such vehicle or has ceased to be in possession or control of such vehicle, the person to whom the ownership of the vebicle has been transferred or the person who bas possession or control of such vehicle shall be liable to pay the said tax.

(2) Nothing contained in sub-section (1) sball be deemed to affect the liability to pay the said tax of the person who has transferred the ownership or has ceased to be in possession or control of such vehicle.

10. *Power of officers of police or Motor Vehicles Department to stop motor vehicles.*—(1) Any officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector or any police officer in uniform who is not below the rank of a Sub-Inspector may require the driver of any motor vehicle in any place to stop such vehicle and cause it to remain stationery so long as may reasonably be necessary for the purpose of satisfying himself that the amount of the tax due in accordance with the provisions of this Act in respect of such vehicle has been paid.

(2) Any person failing to stop a motor vehicle when required to do so under sub-section (1) by any officer referred to in that sub-section or resisting any such officer when required under that sub-section to stop a motor vehicle shall, on conviction, be punishable with the same penalty as provided in section 16.

11. *Seizure and detention of motor vehicles pending production of proof of remittance of tax.*—Any Officer not below the rank of Assistant Motor Vehicles Inspector authorised in this behalf by the Government or any police officer not below the rank of a Sub-Inspector, may, if he has reason to believe that a taxable motor vehicle is used or kept for use in the State without paying the tax, seize and detain that vehicle and make arrangement for the safe custody of that vehicle pending production of proof of payment of the tax.

12. *Additional tax payable when tax not paid.*—(1) When any registered owner or any person who has possession or control of any motor vehicle used or kept for use in the State has not paid the tax within the prescribed period, he shall pay, in addition to

the tax, an additional tax of such amount as may be specified by the Government by notification in the Gazette, not exceeding the amount of the tax due.

(2) The additional tax under sub-section (1) shall be paid along with the arrears of tax.

13. *Amounts recoverable as arrear of land revenue.*—(1) Any amount due under this Act or the rules made thereunder shall be recoverable in the same manner as an arrear of public revenue due on land.

(2) The motor vehicle in respect of which any amount is due or its accessories may be distrained and sold in pursuance of sub-section (1), whether or not such vehicle or accessories is or are in the possession or control of the person liable to pay the amount.

14. *Transfers to defeat or delay recovery of tax and other amounts.*—Where during the pendency of any proceedings under this Act for the recovery of the tax or other amount due in respect of any motor vehicle, the registered owner or the person having possession or control of that motor vehicle creates a charge on, or transfers, whether by way of sale, mortgage, exchange or any other mode of transfer whatsoever, any of his assets in favour of any other person with intent to defeat or delay the recovery of such tax or other amount from him, such charge or transfer shall be void as against any claim in respect of the tax or other amount found payable by him on completion of the said proceedings:

Provided that nothing in this section shall impair the rights of a charge-holder or transferee in good faith and for consideration.

15. *Transport vehicle permit to be ineffective if tax not paid.*—Notwithstanding anything contained in the Motor Vehicles Act, 1939 (Central Act 4 of 1939), if the tax due in respect of a transport vehicle is not paid within the prescribed period, the validity of the permit for that vehicle shall become ineffective from the date of expiry of the said period until such time as the tax is actually paid.

16. *Penalties.*—Whoever contravenes any of the provisions of this Act or any rule made thereunder, shall, on conviction, if no other penalty is elsewhere provided in this Act or the rules for such contravention, be punishable with fine which may extend to one hundred rupees and, in the event of such person having been previously convicted of an offence under this Act or any rule made thereunder, with fine which may extend to two hundred rupees.

17. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means a body corporate, and includes a firm or other association of individuals; and

(b) "director" in relation to—

(i) a firm, means a partner in the firm;

(ii) a society or other association of individuals, means the person who is entrusted under the rules of the society or other association with the management of the affairs of the society or other association, as the case may be.

18. *Composition of offences.*—The Regional Transport Officer may accept from any person who has committed, or is reasonably suspected of having committed, an offence under this Act or any rule made thereunder, by way of composition of such offence, a sum of money, not exceeding two hundred and fifty rupees, which shall be in addition to the tax or other dues, if any, payable by that person.

19. *Compensation to local authorities from the proceeds of tax collected.*—From the proceeds of the tax collected under this Act every year, there shall be paid to each local authority such compensation as may be fixed by the Government in accordance with such principles as may be prescribed.

20. *Protection of action taken in good faith*.—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

21. *Exemption for motor vehicles used for agricultural operations.*—Any tractor, trailor or tractor-trailor combination solely used for agricultural operations shall be exempt from the payment of tax:

Provided that motor vehicles used for agricultural operations in relation to lands which are plantations as defined in the Kerala Land Reforms Act, 1963 (1 of 1964), shall not be exempt from the payment of tax:

Provided further that if a motor vehicle designed for agricultural operations is used for purposes other than agricultural operations, whether by the owner himself or by any other person on hire, a reduction in the rate of tax to such extent as may be specified by the Government by notification in the Gazette, shall be allowed.

Explanation.—For the purposes of this section, the expression "agricultural operations" shall include—

(i) tilling, sowing, harvesting or crushing of any agricultural produce or any other similar operation carried out for the purpose of agriculture;

(ii) transport of manure, seeds, insecticides and other like articles required for work in any land from the market to the land; and

(iii) transport of any agricultural produce from any land to the place of storage or from the place of storage to the market.

22. *Exemption from or reduction of tax.*—The Government may, if they are satisfied that it is necessary in the public interest so to do, by notification in the Gazette, make an exemption or reduction in the rate or other modification, either prospectively

or retrospectively, in regard to the tax payable under this Act or under the Kerala Motor Vehicles Taxation Act, 1963 (24 of 1963) or the Kerala Motor Vehicles (Taxation of Passengers and Goods) Act, 1963 (25 of 1963)—

(i) by any person or class of persons; or

(ii) in respect of any motor vehicle or class of motor vehicles; or

(iii) in respect of any motor vehicle or class of motor vehicles using a specified route,

subject to such terms and conditions as they may deem fit.

23. *Appeals.*—Any person who is aggrieved by any order of the Taxation Officer or the Regional Transport Officer made under this Act may, within the prescribed time and in the prescribed manner, appeal to such authority as may be prescribed.

24. *Powers of revision of Transport Commissioner.*—(1) The Transport Commissioner may—

(a) *suo moto* call for and examine the record of any order passed by any authority or officer under this Act; or

(b) on application, call for and examine the record of any order passed in appeal under section 23,

to satisfy himself as to the regularity of the proceedings or the correctness, legality or propriety of the order, and, if in any case it appears to the Transport Commissioner that the order shall be modified, annulled or remitted for reconsideration, he may pass such order thereon as he may deem fit.

(2) An application under clause (b) of sub-section (1) shall be filed in such manner as may be prescribed, within three months from the date on which the order to which the application relates was communicated to the applicant, and shall be accompanied by such fee as may be prescribed.

(3) The Transport Commissioner shall not *suo moto* initiate proceedings to revise any order after the expiry of two years from the date on which such order has been passed.

(4) No order prejudicial to any person shall be passed under sub-section (1), unless such person has been given an opportunity of making his representation.

25. *Surcharge on tax.*—The amount of the tax leviable under sub-section (1) of section 3 shall, in the case of any motor vehicle

referred to in sub-item (iii) of item 4 of the Schedule, the registered owner of which is a fleet owner, be increased by a surcharge at the rate of forty percent of the tax so leviable, and the provisions of this Act shall, so far as may be, apply in relation to the said surcharge as they apply in relation to the tax leviable under sub-section (1) of section 3

26. *Escaped assessment.*—If, for any reason, the whole or any portion of the tax which would have been payable in respect of any motor vehicle under the Kerala Motor Vehicles Taxation Act, 1963 (24 of 1963) or under the Kerala Motor Vehicles (Taxation of Passengers and Goods) Act, 1963 (25 of 1963) or under this Act for any period has escaped assessment, the Taxation Officer may, at any time within, but not beyond, ten years from the expiry of that period, assess the tax which has escaped assessment after issuing a notice to the registered owner or the person having possession or control of the motor vehicle and making such enquiry as he may consider necessary:

Provided that in computing the period of limitation for the assessment of tax under this section, the periods, if any, during which such assessment has been stayed by an order of any court shall be excluded.

27. *Rounding off of tax, fee, penalty, fine, etc.*—The amount of tax, fee, penalty, fine or any other sum payable and the amount of refund due, under the provisions of this Act shall be rounded off to the nearest rupee and, for this purpose, where such amount contains a part of a rupee consisting of paise, then, if such part is fifty paise or more, it shall be increased to one rupee and if such part is less than fifty paise, it shall be ignored.

28. *Power of Government to make rules.*—(1) The Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which tax shall be paid and the documents to be produced for the issue of tax licence;

(b) the form of any tax licence, certificate or declaration and the particulars to be contained therein;

(c) the conditions under which duplicate tax licence may be granted and the fee payable for such grant;

(d) the manner in which refund or reduction or exemption may be claimed;

(e) the total or partial exemption from liability to payment of the tax in respect of any motor vehicle brought into the State by any person visiting the State, or making a temporary stay in the State, the amount which shall be payable on account of such vehicle and the tax licence which any such vehicle shall carry;

(f) the time within which and the manner in which an appeal may be made under section 23, the fees to be paid in respect of such appeal and the conduct and hearing of such appeal;

(g) any other matter which has to be, or may be, prescribed.

(3) In making any rule, the Government may provide that a breach thereof shall be punishable with fine which may extend to fifty rupees.

(4) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

29. *Transitory provision.*—(1) Where, before the commencement of this Act, tax in respect of a motor vehicle for any period after such commencement has been paid at the rates in force at the time of payment, the registered owner or person having possession or control of such motor vehicle shall be liable to pay, in addition, an amount equal to the difference between the tax payable under this Act for the said period and the tax already paid for that period.

(2) The amount payable under sub-section (1) shall be calculated and paid in such manner and within such time as may be prescribed.

30. *Repeal and saving.*—The Kerala Motor Vehicles Taxation Act, 1963 (24 of 1963), the Kerala Motor Vehicles (Taxation of Passengers and Goods) Act, 1963 (25 of 1963), and the Kerala Motor Vehicles Taxation Ordinance, 1975 (7 of 1975), are hereby repealed.

(2) Notwithstanding the repeal of the Kerala Motor Vehicles Ordinance (7 of 1975), by sub-section (1), anything done or any action taken under that Ordinance shall be deemed to have been done or taken under this Act.

THE SCHEDULE

[*See* section 3 (1)]

Sl. No.	*Class of vehicle*	*Rate of quarterly tax*
		Rs. P.
1.	Motor Cycles (including Motor Scooters and Cycles with attachment for propelling the same by mechanical power)—	
	(a) Bicycles not exceeding 100 kg. in unladen weight ..	9.00
	(b) Bicycles exceeding 100 kg., but not exceeding 200 Kg. in unladen weight ...	12.00
	(c) Bicycles exceeding 200 kg. in unladen weight ..	15.00
	(d) Bicycles with side car or drawing a trailer ..	18.00
2.	Three wheelers (including tricycles and cycle-rickshaws with attachment for propelling the same by mechanical power) not used for transport of goods or passengers—	
	(a) Tricycles ..	18.00
	(b) Cycle Rickshaws ..	18.00
	(c) Three wheelers having an unladen weight of not more than 500 kg. ..	25.00
	(d) Three wheelers having an unladen weight exceeding 500 kg. ..	30.00
3	Goods vehicles—	
	(a) Motor cycle trucks not exceeding 300 kg. in laden weight ..	60.00
	(b) Vehicles not exceeding 1000 kg. in laden weight ..	105.00

Sl. No.	Class of vehicle					Rate of quarterly tax
(c)	Vehicles exceeding	1000 kg.	but not exceeding	1500 kg.	in laden weight	160.00
(d)	Do.	1500 kg.	do.	2000 kg.	do.	210.00
(e)	Do.	2000 kg.	do.	3000 kg.	do.	270.00
(f)	Do.	3000 kg.	do.	4000 kg.	do.	330.00
(g)	Do.	4000 kg.	do.	5500 kg.	do.	435.00
(h)	Do.	5500 kg.	do.	7000 kg.	do.	540.00
(i)	Do.	7000 kg.	do.	9000 kg.	do.	660.00
(j)	Do.	9000 kg.	do.	9500 kg.	do.	710.00
(k)	Do.	9500 kg.	do.	10500 kg.	do.	800.00
(l)	Do.	10500 kg.	do.	11000 kg.	do.	890.00
(m)	Do.	11000 kg.	do.	12000 kg.	do.	975.00
(n)	Do.	12000 kg.	do.	13000 kg.	do.	1050.00
(o)	Do.	13000 kg.	do.	14000 kg.	do.	1125.00
(p)	Do.	14000 kg.	do.	15000 kg.	do.	1200.00
(q)	Do.	15000 kg.				1200.00 plus Rs. 25 for every 250 kg. or part thereof in excess of 15000 kg.
(r)	Tax payable in respect of trailers used for carrying goods—					
(i)	For each trailer not exceeding	1000 kg.	in laden weight			75.00
(ii)	For each trailer exceeding	1000 kg.	but not exceeding	1500 kg.	in laden weight	120.00
(iii)	Do.	1500 kg.	do.	2000 kg.	do.	165.00
(iv)	Do.	2000 kg.	do.	3000 kg.	do.	225.00
(v)	Do.	3000 kg.	do.	4000 kg.	do.	300.00
(vi)	Do.	4000 kg.	do.	5500 kg.	do.	390.00

(vii)	For each trailer exceeding	5500 kg.	but not exceeding	7000 kg.	in laden weight	480.00
(viii)	Do.	7000 kg.	do.	9000 kg.	do.	580.00
(ix)	Do.	9000 kg.	do.	9500 kg.	do.	615.00
(x)	Do.	9500 kg.	do.	10500 kg.	do.	665.00
(xi)	Do.	10500 kg.	do.	12000 kg.	do.	740.00
(xii)	Do.	12000 kg.	do.	13000 kg.	do.	790.00
(xiii)	Do.	13000 kg.	do.	14000 kg.	do.	840.00
(xiv)	Do.	14000 kg.	do.	15000 kg.	do.	900.00
(xv)	Do.	15000 kg.	in laden weight		do.	900.00 plus Rs. 25 for every 250 kg. or part thereof in excess of 15000 kg.

4. Motor Vehicles plying for hire and used for transport of passengers and in respect of which permits have been issued under the Motor Vehicles Act, 1939—

(i)	Vehicles permitted to ply solely as contract carriages and to carry—		
	(a) not more than two passengers	..	20.00
	(b) three passengers	..	60.00
	(c) more than 3 passengers, but not more than 6 passengers except for Tourist Motor cabs	..	75.00
	(d) more than 6 passengers, for every passenger	..	100.00
(ii)	Tourist Motor cabs	..	100.00

Sl. No.	Class of vehicle	Rate of quarterly tax
	(iii) Vehicles permitted to ply as stage carriages—	
	(a) For every seated passenger (other than the driver and conductor) which the vehicle is permitted to carry and where the total distance permitted to be covered by the vehicle in a day—	
	(i) does not exceed 200 kms. ..	65.00
	(ii) exceeds 200 kms. ..	70.00
	(b) For every standing passenger the vehicle is permitted to carry ..	20.00
5.	(a) Motor Vehicles not themselves constructed to carry any load (other than water, fuel, accumulators and other equipment used for purpose of propulsion, loose tools and loose equipments) used for haulage solely and weighing—	
	(i) Not more than 1000 kg. in unladen weight ..	30.00
	(ii) More than 1000 kg. but not more than 2000 kg. in unladen weight ..	60.00
	(iii) Do. 2000 kg. do. 4000 kg. do. ..	120.00
	(iv) Do. 4000 kg. do. 6000 kg. do. ..	180.00
	(v) Do. 6000 kg. do. 8000 kg. do. ..	270.00
	(vi) Do. 8000 kg. do. 9000 kg. do. ..	300.00
	(vii) Do. 9000 kg. in unladen weight ..	300.00 plus Rs. 10 for every 250 kg. or part thereof in excess of 9000 kg.

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(b) Double-axle trailers drawn by the vehicles in sub-class (a) above and articulated vehicles with or without additional or alternative trailers, for each trailer or articulated vehicle, subject to the proviso of this Schedule:—

(i)	Not exceeding	1000 kg. in laden weight			..	75.00
(ii)	Exceeding	1000 kg. but not exceeding	1500 kg.	in laden weight	..	120.00
(iii)	Do.	1500 kg. do.	2000 kg.	do.	..	165.00
(iv)	Do.	2000 kg. do.	3000 kg.	do.	..	225.00
(v)	Do.	3000 kg. do.	4000 kg.	do.	..	300.00
(vi)	Do.	4000 kg. do.	5500 kg.	do.	..	390.00
(vii)	Do.	5500 kg. do.	7000 kg.	do.	..	480.00
(viii)	Do.	7000 kg. do.	9000 kg.	do.	..	580.00
(ix)	Do.	9000 kg. do.	9500 kg.	do.	..	615.00
(x)	Do.	9500 kg. do.	10500 kg.	do.	..	665:00
(xi)	Do.	10500 kg. do.	12000 kg.	do.	..	740.00
(xii)	Do.	12000 kg. do.	13000 kg.	do.	..	790.00
(xiii)	Do.	13000 kg. do.	14000 kg.	do.	..	840.00
(xiv)	Do.	14000 kg. do.	15000 kg.	do.	..	900.00
(xv)	Do.	15000 kg. in laden weight			..	900.00 plus Rs. 25 for every 250 kg. or part thereof in excess of 15000 kg.

6. (i) Fire engines, Fire tenders, Road water sprinklers, Cranes and earth moving vehicles such as dumbers, bull dozers, etc:—

(a) Not exceeding 1000 kg. in laden weight .. 18.00

Sl. No.	Class of vehicle	Rate of quarterly tax
(b)	Exceeding 1000 kg. but not exceeding 1500 kg. in laden weight ..	27.00
(c)	Do. 1500 kg. do. 2275 kg. do. ..	36.00
(d)	Do. 2275 kg. do. 3050 kg. do. ..	45.00
(e)	Do. 3050 kg. do. 4300 kg. do. ..	54.00
(f)	Do. 4300 kg. do. 5575 kg. do. ..	66.00
(g)	Do. 5575 kg. do. 7600 kg. do. ...	75.00
(h)	Do. 7600 kg. do. 9000 kg. do. ..	90.00
(i)	Do. 9000 kg. in laden weight ..	90.00 plus Rs. 10 for every 1000 kg. or part thereof in excess of 9000 kg.
(ii)	Additional tax payable in respect of such vehicles for drawing trailers including fire engines and trailer pumps—	
	(a) For each trailer not exceeding 1000 kg. in laden weight ..	15.00
	(b) Do. exceeding 1000 kg. but not exceeding 1500 kg. in laden weight	21.00
	(c) Do. do. 1500 kg. do. 2000 kg. do.	27.00
	(d) Do. do. 2000 kg. in laden weight ..	42.00
7.	Motor vehicles other than those liable to tax under the foregoing provisions of this Schedule—	
	(a) Weighing not more than 750 kg. unladen ..	36.00
	(b) Weighing more than 750 kg. but not more than 1500 kg. unladen ..	45.00
	(c) Weighing more than 1500 kg. but not more than 2250 kg. unladen ..	60.00

(d) Weighing more than 2250 kg. unladen ..	75.00
(e) Tax payable in respect of trailers drawn by any of the vehicles specified in (a) to (d) above and used solely for carrying luggage or personal effects,—	
(i) For each trailer not exceeding 1000 kg. in laden weight ..	15.00
(ii) For each trailer exceeding 1000 kg. in laden weight ..	27.00
8. Break down vans used for taking disabled vehicles ..	60.00

Provided that—

(1) in the case of trailers coming under classes 3 and 5 of this Schedule, when used alternatively, one at a time, with goods vehicles, tractors or articulated vehicles, as the case may be, tax shall be levied only on the heaviest trailer;

(2) in the case of a motor vehicle in respect of which permit has not been issued under the Motor Vehicles Act, 1939, but which has been used for transport of passengers for hire or reward, tax shall be levied at such rate as is specified for similar motor vehicles in class 4 of this Schedule, as if a permit has been issued for the vehicle;

(3) in respect of trailers coming under class 6 of this Schedule, two or more vehicles shall not be chargeable in respect of the same trailer;

(4) tax for the last one month and two months of a quarter shall be 1/3 and 2/3 of the quarterly tax respectively rounded off to the nearest rupee as laid down in section 27;

(5) the rates of tax in respect of vehicles other than those fitted with pneumatic tyres, shall be 150 % of the rates specified in this Schedule for similar vehicles.

STATEMENT OF OBJECTS AND REASONS

The tax on motor vehicles was being levied in the State under two enactments, viz., the Kerala Motor Vehicles Taxation Act, 1963 (24 of 1963) and the Kerala Motor Vehicles (Taxation of Passengers and Goods) Act, 1963 (25 of 1963). While the levy of tax under the Kerala Motor Vehicles Taxation Act was on motor vehicles, the Kerala Motor Vehicles (Taxation of Passengers and Goods) Act provided for the levy of a tax on passengers of stage carriages and goods transported in goods vehicles.

2. Some States like Tamil Nadu and Andhra Pradesh have already enacted legislations abolishing the tax on passengers and goods and merging the same with the tax on motor vehicles. Difficulties were experienced in the matter of inter-State agreements, etc., when tax on passengers and goods was payable in some States and no such tax was payable in other States. It was, therefore, considered necessary to consolidate the two enactments to enable the levy of a single tax in respect of motor vehicles. While so doing, it was also considered necessary to enhance the rates of tax in respect of the following categories of motor vehicles:—

(a) Motor Cycles;

(b) Tricycles;

(c) Three Wheelers;

(d) Goods Vehicles exceeding laden weight 5500 kgs. but not exceeding 14750 kgs.;

(e) Trailers attached to Goods Vehicles or Tractors;

(f) Vehicles permitted to ply solely as contract carriages except those carrying two passengers;

(g) Motor Vehicles not themselves constructed to carry any load and used for haulage solely;

(h) Fire engines;

(i) Fire tenders;

(j) Road Water Sprinklers; and

(k) Other motor vehicles and trailers drawn by vehicles for carrying luggage or personal effects.

3. As the Legislative Assembly was not in session, the Kerala Motor Vehicles Taxation Ordinance, 1975 (7 of 1975), was promulgated by the Governor on the 6th September, 1975, for the above purposes. The Bill seeks to replace the Ordinance by an Act of the Legislature. The Bill is intended for this purpose.

FINANCIAL MEMORANDUM

The Bill contains provisions for appointment of Regional Transport Officers, Taxation Officers, Transport Commissioner and appellate authority. It is expected that the functions of the above officers and authority could be performed by the existing officers and that appointment of more officers would not be required for the implementation of the provisions of the Act. Hence the Bill, if enacted and brought into operation would not involve any additional expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (f) of clause 2 of the Bill seeks to empower the Government to appoint any officer to perform the functions of a Regional Transport Officer. Under sub-clause (i) of clause 2 the Government have power to appoint any officer to perform the functions of a Taxation Officer. Sub-clause (k) of clause 2 seeks to empower the Government to appoint an officer to perform the functions of the Transport Commissioner.

Sub-clause (2) of clause 3 seeks to empower the Government to increase by notification in the Gazette, the rate of tax specified in the schedule subject to a maximum of fifty per cent of such rate. Sub-cluase (4) of clause 3 seeks to empower the Government to direct by notification in the Gazette, the issue of temporary licences. Sub-clause (1) of clause 4 seeks to provide that the tax shall be paid in advance within such period and in such manner as may be prescribed and that in the case of a fleet owner the Government may direct that the tax shall be paid in monthly instalments before such date, in such manner and subject to such conditions as may be specified in the direction. Sub-clause (2) of clause 4 seeks to provide that in the case of annual licence such rebate in respect of the tax as may be prescribed shall be granted. Sub-clause (5) of clause 4 seeks to empower the Government to make rules regarding the manner in which tax licence shall be displayed on the vehicles.

Clause 6 seeks to empower the Government to notify the rate of refund of tax in respect of vehicles not used or kept for use. Clause 12 seeks to empower the Government to specify by notification in the Gazette, the additional tax to be paid in cases where tax has not been paid within the prescribed period. Clause 19 seeks to empower the Government to fix the compensation payable to local authorities from the proceeds of the tax collected every year. According to the second proviso to clause 21, a

reduction in the rate of tax to such extent as may be specified by the Government by notification in the Gazette shall be allowed in cases where vehicles designed for agricultural operations are used for other purposes.

Clause 22 seeks to empower the Government to make an exemption or reduction in the rate or other modification, either prospectively or retrospectively in regard to the tax payable subject to such terms and conditions as they deem fit. Clause 23 seeks to empower the Government to prescribe the authority to which appeals from orders of Taxation Officers and Regional Transport Officers shall lie. Sub-clause (2) of clause 24 empowers Government to prescribe the manner in which an application for revision may be filed and fee for the application. Clause 28 seeks to empower the Government to make rules to carry out the purposes of the Act. The matters in respect of which rules may be made include the manner in which the tax shall be paid and the documents to be produced for the issue of tax licence, the form of tax licence, certificate or declaration and the particulars to be contained therein, the conditions under which duplicate tax licence may be granted and the fee payable for such grant and the manner in which refund or reduction or exemption may be claimed and any other matter which has to be or may be prescribed.

The above are matters of procedure or details of an administrative nature. The delegation of the legislative power is therefore of a normal character.

R. BALAKRISHNA PILLAI.

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KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Home (SS) Department

NOTIFICATION

No. 6370/SS1/76/Home. *Dated, Trivandrum, 6th February 1976.*

S. R. O. No. 169/76.—In exercise of the powers conferred by section 5 of the Maintenance of Internal Security Act, 1971 (Central Act 26 of 1971), the Government of Kerala hereby make the following amendments to the Kerala Security Prisoners Order, 1975, published under Notification No. 23165/SS1/75/Home dated the 7th June, 1975, as S. R. O. No. 478 in the Kerala Gazette Extraordinary No. 286, dated the 7th June, 1975, as subsequently amended, namely:—

AMENDMENTS

In the said Order,—

(1) in Note 1 under clause 6, for the proviso, the following proviso shall be substituted, namely:—

"Provided that a security prisoner shall be allowed to bring from outside reasonable quantity of biscuits and pickles in tins, cartons or sealed bottles of the manufacturing Company and fruits to supplement the food, once a week".;

(2) in sub-clause (1) of clause 10, after the item "Aluminium Mug 1 No", the following item shall be inserted, namely:—

"Plastic tumbler 1 No";

(3) for sub-clauses (1) and (2) of clause 15, the following shall be substituted, namely:—

"(1) Every security prisoner may be permitted to interview his near relatives or lawyer/advocate by the Superintendent of the prison, subject to the following conditions, namely:—

(i) the duration of an interview shall be limited to 15 minutes in the case of near relatives and 30 minutes in the case of lawyer/advocate and the interview shall be in the presence of the Jailor or Deputy Jailor/Welfare Officer;

(ii) interviews with near relatives shall be allowed only *once a week;*

(iii) the Superintendent of the prison may, for satisfying himself as to the genuineness of the purpose of interview, insist on the production of a certificate and photograph attested in the case of interview with lawyer/advocate, by the Presiding Officer of the court in which the lawyer/advocate practices and in the case of near relatives, by the Tahsildar or Circle Inspector of Police, of the area in which the prisoner ordinarily resides or by an M. P. or M. L. A. This certificate and photograph are only for verification by the jail authorities (and not for surrender) and may be used at subsequent interview;

(iv) The Superintendent of the prison may cancel or terminate any interview at any time.

Explanation:—For the purposes of this sub-clause "near relatives" means husband, wife, son, daughter, father, mother, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, uncle, aunt, nephew and niece of the prisoner.";

(4) for sub-clause (1) of clause 16, the following sub-clause shall be substituted, namely:—

"16. *Correspondence and censorship.*—(1) A security prisoner shall ordinarily be permitted to write per week 3 letters to his family members and 3 letters to his legal advisers or to other persons and also to receive four letters per week. A security prisoner may be permitted to send or receive telegrams, but telegrams shall count as letters. The letters or telegrams written or received by a security prisoner shall relate only to private matters and shall contain no reference to jail administration, discipline, other business or politics.";

(5) in sub-clause (1) of clause 17, for the words "Security prisoners may receive", the following shall be substituted, namely:—

"The security prisoners shall be supplied with newspapers at Government cost at the rate of one paper for every 25 security prisoners. They may also receive";

(6) in clause 27, for the words, letters and figures "should not exceed Rs. 250 per annum", the words, letters and figures, "should not exceed Rs. 500 per annum" shall be substituted.

By order of the Governor,

S. NARAYANASWAMY,

Special Secretary to Government.

Explanatory Note

It is considered necessary to grant some additional amenities to the security prisoners. Hence this notification.

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Government of Kerala
1976

Reg. No. KL/TV/12

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GOVERNMENT OF KERALA

Revenue (S) Department

NOTIFICATION

No. 8201/S1/76/RD. *Dated, Trivandrum, 6th February 1976*

S. R. O. No. 170/76.—In exercise of the powers conferred by section 99 of the Kerala Land Reforms Act, 1963 (1 of 1964), the Government of Kerala hereby make the following amendments to their Notification No. 50215/S1/74/RD dated the 30th July, 1975, published as S. R. O. No. 732/75 in the Kerala Gazette No. 34 dated the 2nd September, 1975 as subsequently amended, namely:—

AMENDMENTS

In the Schedule to the said notification,—

(a) for the entries in columns (2), (3) and (4) against serial number 3, the following entries shall be substituted, namely:—

(2)	(3)	(4)
"Entire District of Trichur and Alathur and Chittur Taluks of Palghat District	Munsiff	Trichur";

(b) for the entries in columns (2), (3) and (4) against serial number 4, the following entries shall be substituted, namely:—

"Entire District of Palghat (excluding Alathur and Chittur Taluks) and Perinthalmanna Taluk in Malappuram District	Munsiff	Palghat".

These amendments shall come into force on the 9th day of February, 1976.

By order of the Governor,

S. Padma Kumar,
Special Secretary to Government.

Explanatory Note

(This is not part of the notification, but is intended to indicate its general purport.)

There are two Munsiff Land Tribunals at Palghat with concurrent jurisdiction, which spreads over the entire districts of Trichur and Palghat and Perinthalmanna Taluk in Malappuram District. It is considered desirable to give independent jurisdiction to the two Munsiff Land Tribunals. The notification is intended to achieve the above object.

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NOTICE

No. C4-10692/76. *6th February 1976.*

Whereas I am satisfied that the public place mentioned in Schedule-I below is required in connection with the launching of the Equatorial Sounding Rockets from the Launching Station at Pallithura in the Attipra Village of Trivandrum Taluk by the Space Research Division of the Department of Atomic Energy to the Government of India.

I, V. N. Rajan, Inspector-General of Police in exercise of the powers conferred upon as under section 24 of the Kerala Police Act, 1960 (Act V of 1961) hereby reserve temporarily the public place mentioned in Schedule-II and prohibit persons from entering the area so reserved save under conditions as may be prescribed by me.

Schedule-I

Place of Launching:

The Rocket will be fired from the Launcher on a Pad at Pallithura near Trivandrum on the West Coast of India.

FIRING SCHEDULE:

Date	*Danger Time (IST)*	*Rocket Type*	*Pay-load*
11-2-1976 or 12-2-1976	1930–2230 hrs. (both days)	M-100B	Met.

LAUNCHER CO-ORDINATES:

Latitude— 8° 32′ 34″ N

Longitude—76° 51′ 32″ E

FIRING DIRECTION:

	M-100B
Azimuth (Effective)	235°
Elevation (Effective)	82°

Schedule-II

DANGER ZONES:

1. A Sector of radius 5 NM from launcher between azimuth angles 190 and 300 deg.
2. A Sector of radii 15 NM and 50 NM from launcher between azimuth angles 220 and 260 deg.

All types of Aircraft, Shipping Boats etc., especially Fishing Boats of all description are warned to keep clear the Danger Zones mentioned above.

Office of the Inspector-General of Police,
Kerala State, Trivandrum-10.

V. N. RAJAN,
Inspector-General of Police.

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KERALA GAZETTE

EXTRAORDINARY

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Vol. XXI] Trivandrum, Friday, 6th February 1976 / 17th Magha 1897 [No. 71

NOTICE

Under Section 9 (5) of The Kerala Land Acquisition Act, 1961 (Act 21 of 1962)

No. A1-1251/74. *4th February 1976.*

Notice is hereby given that the Government intend to take possession o the land mentioned in the list below, which is required for a public purpose under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962). All persons interested in the land are required to appear in person or by authorised agent on 21-2-1976 before the Special Tahsildar for L. A. (N. H.), Quilon and to state/put in a statement in writing signed by themselves or their agents showing the nature of their respective interests in the land and the amount and particulars of their claim to compensation for such interests, in the land and their objections, if any, to the measurements made under section 8 of the Act.

Note.—If the persons interested refuse to make a claim to compensation or omit, without sufficient reasons, to make such claim, the amount to be awarded by the Court, in the event of a reference being made to it on application made by them shall in no case exceed the amount awarded by the Collector under Section 11 of the Act.

താഴെ കൊടുത്തിരിക്കുന്ന ലിസ്റ്റിൽ പറഞ്ഞിട്ടുള്ളതും, 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം ഒരു പൊതുക്കാര്യത്തിന് ആവശ്യമായിട്ടുള്ളതുമായ ഭൂമി കൈവശപ്പെടുത്തുവാൻ ഗവൺമെന്റ് ഉദ്ദേശിക്കുന്നുവെന്ന് ഇതിനാൽ നോട്ടീസ് നൽകിയിരിക്കുന്നു. പ്രസ്തുത ഭൂമിയിൽ അവകാശബന്ധമുള്ള എല്ലാപേരും നേരിട്ടോ, അധികൃത

ഏജൻറുമുഖേനയോ 1976 ഫെബ്രുവരി മാസം 21-ാം തീയതി കൊല്ലം നാഷണൽ ഹൈവേ പൊന്നുംവില സ്പെഷ്യൽ തഹശിൽദാർ മുമ്പാകെ ഹാജരാകുകയും, ഭൂമിയിൽ അവരോരോരുത്തർക്കുമുള്ള അവകാശബന്ധങ്ങളുടെ സ്വഭാവവും ഭൂമിയിൽ അങ്ങനെയുള്ള അവകാശബന്ധങ്ങൾ സംബന്ധിച്ചിടത്തോളം നഷ്ട പ്രതിഫലത്തിന് അവർക്കുള്ള തീർച്ചയുടെ തുകയും വിവരങ്ങളും ആക്റ്റ് 8-ാം വകുപ്പ് പ്രകാരം എടുത്തിട്ടുള്ള അളവു സംബന്ധിച്ച് വല്ല ആക്ഷേപവു മുണ്ടെങ്കിൽ അതും ഏതാണെന്നു കാണിച്ചുകൊണ്ട് പ്രസ്താവന ചെയ്യുകയും, അവരോ അവരുടെ ഏജൻറുമാരോ എഴുതി ഒപ്പിട്ട ഒരു സ്റ്റേറ്റുമെൻറ് സമർപ്പി ക്കുകയും ചെയ്യണമെന്ന് അവരോട് ആവശ്യപ്പെടുന്നു.

കുറിപ്പ്.—അവകാശബന്ധമുള്ളവർ നഷ്ടപ്രതിഫലത്തിന് തീർച്ച ചെയ്യാൻ കൂട്ടാക്കാതിരിക്കുകയോ, മതിയായ കാരണമില്ലാതെ അങ്ങനെ തീർച്ച ചെയ്യാൻ വിസമ്മതിക്കുകയോ ചെയ്യുന്ന പക്ഷം അവരുടെ ആക്ഷേപങ്ങൾ കോടതിക്ക് റഫറൻസ് അയയ്ക്കുന്ന സംഗതിയിൽ കോടതി വിധിച്ചു കൊടുക്കേണ്ട തുക യാതൊരു സംഗതിയിലും ആക്റ്റ് 11-ാം വകുപ്പു പ്രകാരം കളക്ടർ വിധിച്ചു കൊടുക്കുന്ന തുകയിൽ കവിയാൻ പാടില്ലാത്തതാകുന്നു.

Particulars of lands

District—Quilon. *Taluk*—Quilon.

Village—Mayyanadu.

Sy. No.	*Description*	*Extent* Are	Sq.m.
12496/1	Dry	0	25
12496/2	,,	0	17
12496/3	,,	0	24
12496/4	,,	0	10
12496/5	,,	0	12
12497/2	,,	0	19
12497/3	,,	0	24
12497/4	,,	0	60
12497/5	,,	0	45
12497/6	,,	0	75
12497/7	,,	1	00
12497/8	,,	0	20
12497/10	,,	2	20
12498/9	,,	0	78
12498/8	,,	1	37
12498/10	,,	0	70
12498/11	,,	0	72
12498/12	,,	0	65
12498/13	,,	1	15
12499/6	,,	1	66

Sy. No.	*Description*	*Extent*	
		Are	*Sq.m.*
12499/7	Dry	1	52
12499/8	,,	1	54
12500/2	Road portion	0	92
12500/4	Dry	4	55
	Total	22	07

Quilon.

M. SUDHAKARAN,
Special Tahsildar for L. A. (N. H.).

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